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SPENGLER NATHANSON

ATTORNEYS AT LAW

608 MADISON AVENUE, SUITE 1000

TOLEDO, OHIO 43604-1169

(419) 241-2201

FACSIMILE

(419) 241-8599

DAVID A. KATZ
FRANK T. PIZZA
RALPH BRAGG
JAMES R. JEFFERY
NORMAN J. RUBINOFF
B. GARY McBRIDE
DAVID G. WISE
LOUIS J. HATTNER
THEODORE M. ROWEN
WARD SUMMERVILLE
GARY D. SIKKEMA
MICHAEL J. BEREBITSKY
JAMES D. JENSEN
TRUMAN A. GREENWOOD
CHERYL F. WOLFF
RICHARD E. WOLFF
JAMES M. SCJARINI
BYRON S. CHOKA

JAMES C. ANDERSON
SUSAN B. NELSON
LISA E. PIZZA
JOAN C. SZUBERLA
MICHAEL S. KATZ
TERESA L. GRIGSBY
MICHAEL W. BRAGG
PETER N. KANIOS
RENISA A. DORNER
THOMAS A. LUPICA
SHANE A. FAROLINO

OF COUNSEL
JOEL A. LEVINE

JOSEPH S. HEYMAN
BENJAMIN B. DURFEE
ANDREW E. ANDERSON
RICHARD A. ENTENMANN

October 28, 1994

VIA FEDERAL EXPRESS

Ms. Linda Beasley
Enforcement Specialist
U.S. EPA - Region V
Emergency Support Section HSE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604

Re: Toledo Pickling and Steel Sales, Inc.
Conservation Chemical Company of Illinois, Inc. Site
Response to General Notice of Potential Liability

Dear Ms. Beasley:

As you may be aware, this firm represents Toledo Pickling and Steel Sales, Inc. ("Toledo Pickling"), one of the recipients of the above-referenced notice from U.S. EPA. As you may also be aware, Toledo Pickling was granted an extension of time, until October 31, 1994, to respond in writing to said notice. Please consider this letter Toledo Pickling's response to U.S. EPA's September 28, 1994 notice.

First of all, Toledo Pickling would assert that it has been improperly identified as a potentially responsible party under CERCLA with respect to the Conservation Chemical Company of Illinois, Inc. Site (the "Site"). Specifically, Toledo Pickling would point out that (1) any materials sent to the Site were shipped there by a company other than Toledo Pickling; and (2) Toledo Pickling is not the legal successor to that other company. A brief explanation of pertinent facts follows.

In approximately 1984, Toledo Pickling and Steel Sales, Inc. purchased certain assets, including property located at 1149 Campbell Street, Toledo, Ohio, from Toledo Pickling and Steel Service, a wholly-owned subsidiary of Usinor Steel. Since that

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time, Toledo Pickling and Steel Sales, Inc. is certain that it has sent no materials to the Site for disposal. That being the case, Toledo Pickling and Steel Sales, Inc. has concluded that any materials shipped from the 1149 Campbell Street facility to the Site for disposal would have been so shipped by Toledo Pickling and Steel Service, the prior owner of said facility. In an effort to confirm the validity of its conclusion, Toledo Pickling and Steel Sales, Inc. has recently served a FOIA request upon U.S. EPA seeking copies of any and all documents referencing the shipment of materials from the 1149 Campbell Street facility to the Site.

Based upon the undersigned's recent discussions with Cynthia Kawakami, Esq. of U.S. EPA, however, it would appear that the conclusion which has been reached by Toledo Pickling is a correct one. According to Ms. Kawakami, the Site was probably not even accepting materials for disposal after 1984. Therefore, any materials sent to the Site from the 1149 Campbell Street facility would have to have been so shipped prior to 1984 by Toledo Pickling and Steel Service.

Additionally, Toledo Pickling is not the legal successor to Toledo Pickling and Steel Service and/or any of that company's environmental liabilities. That, coupled with the fact that Toledo Pickling itself never sent any materials to the Site for disposal, leads Toledo Pickling to believe that it has been improperly named as a potentially responsible party in this matter. As such, Toledo Pickling will be pursuing the instant successor liability issue further with Ms. Kawakami.

In the interim, however, Toledo Pickling would like to make every effort to cooperate with U.S. EPA to the extent that it is able to do so. To that end, a representative of Toledo Pickling will be attending U.S. EPA's "kick-off" meeting in Chicago on November 10, 1994. Thereafter, if the aforementioned successor liability issue is not resolved in Toledo Pickling's favor, the company will explore further its willingness to either participate in, or assist in the financing of, the response activities deemed necessary by U.S. EPA at the Site.

With that in mind, Toledo Pickling would request that U.S. EPA refrain from issuing a unilateral order under Section 106 of CERCLA until such time as a final decision has been made as to Toledo Pickling's liability in this matter. Your anticipated cooperation in that regard is greatly appreciated.

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I trust that this correspondence adequately responds to U.S. EPA's General Notice of Potential Liability dated September 28, 1994. In the future, please direct all transmittals to Toledo Pickling and Steel Sales, Inc. to the undersigned at the address and telephone number referenced above.

If you have any questions, or if I can be of further assistance at this time, please do not hesitate to contact me directly.

Very truly yours,

SPENGLER NATHANSON

A handwritten signature in cursive script, appearing to read "Shane A. Farolino".

Shane A. Farolino

SAF/cej

cc: Cynthia Kawakami, Esq. ✓
Richard E. Wolff, Esq.
Mr. Ross Keller

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U.S. EPA, Region 5
Office of Regional Counsel